

REMARKS

Claims 1-6, 9, 11-14, 22-26, 34, and 35 are pending in the current application. Claim 1 is an independent claim.

Allowable Subject Matter

Applicant notes the Examiner's indication that claims 1-6, 9, and 22-25 are allowed.

Claim Rejections under 35 U.S.C. § 112

Claims 11-14, 26, 34, and 35 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully traverses this rejection.

The Examiner asserts the original specification does not provide an adequate written description of how the array of tools configured as interconnected clips inside a catheter allow for or cause the released clip to close once it has been actuated to open and start to grip a section of tissue. Applicant respectfully submits that the specification, at least at the paragraph beginning at page 4, line 7, provides support which meets the requirements of 35 U.S.C. § 112, first paragraph, with respect to claims 11-14, 26, 34, and 35. Applicant notes reference will be made to portions of the specification as amended in Applicant's Supplemental Amendment B submitted December 19, 2001. Applicant respectfully submits these amendments correct only typographical errors and contain no new subject matter.

In particular, the specification at page 4, lines 16-20 discloses "when the outermost clip 1 is actuated, the clip is opened; likewise is the next-to-the outermost clip 4 partially free to move as it is protruding outside the cylindrical housing. Therefore, the partial opening of the next-to-the outermost clip 4 sets the outermost clip 1 free, as well as opens it up for subsequent

spontaneous closing the site to be clipped.” Accordingly, Applicant respectfully submits this implies that the clip may be biased towards the closed position. For example, the clip may be activated while in the catheter but prevented from expanding by the catheter walls. For example, the specification at page 3, lines 16-17 discloses “the catheter is then used as the counter electrode, and will supply all the charge that is needed to actuate all those microactuators.” For example, the specification at page 4, lines 15-16 discloses “the cylindrical housing 3 confines the motion of microactuators, which search in vain to expand the strong metal casing on operation.” Accordingly, the clip may subsequently be deactivated and close once it has left the catheter. Accordingly, the specification clearly discloses that the clip may be activated and strain to open while in the catheter, and that the clip may spontaneously close so as to close the site to be clipped once it is released from the catheter.

Further, Applicant respectfully submits that the Smela article referred to in the last paragraph on page 1 of the specification provides more information on how to activate polymer micromuscles.

In view of the above, Applicant respectfully requests the rejections under 35 U.S.C. § 112, first paragraph, be withdrawn.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the claims in connection with the present application is earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$120.00 extension fee herewith.

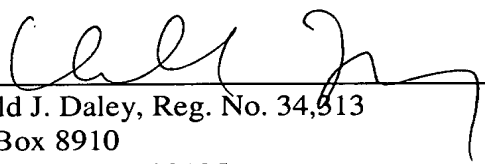
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By


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